



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner
February 13, 2007

The Honorable Judith T. Spang, Chairman
Resources, Recreation, and Development Committee
Legislative Office Building Room 305
Concord, NH 03301

RE: HB 505-FN Relative to Enhanced Water Quality Monitoring for Lakes and Beaches

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 505-FN, which would formally establish a public beach program and add a public beach program coordinator position within the Department of Environmental Services (DES). DES takes no position on whether the proposed appropriation should be enacted by the Legislature. However, we strongly support the purpose of this bill, which is to strengthen New Hampshire's beach water quality monitoring program and outreach to beach owners. We also have one recommended language change in the bill.

A study prepared for the New Hampshire Lakes Association in June 2003, Estimates of Select Economic Values of New Hampshire Lakes, Rivers, Streams and Ponds, concluded that people who swim in New Hampshire's fresh waters annually contribute \$269 - \$380 million to New Hampshire's economy. The state's beaches are important natural and economic resources that need to be protected and monitored to ensure healthy and safe experiences for all swimmers.

The DES Public Beach Inspection Program has existed for over 20 years. Under the authority of RSA 485-A:26, DES reviews and approves plans for new public artificial swimming pools and bathing places and assesses water quality at swimming areas. One full time employee is supported by a grant from the U. S. Environmental Protection Agency under the Beaches Environmental Assessment and Coastal Health Act (BEACH Act) of 2000 to perform water quality testing, inspections, and public notification for coastal beaches. Freshwater beach inspections and monitoring are performed by a full time summer employee, supported by state general funds, from around the end of June through August.

HB 505-FN formally establishes a detailed beach program by statute and provides additional staff for freshwater beach monitoring. DES estimates that New Hampshire has approximately 500 public beaches, including state parks, municipal beaches, juvenile camps, hotels, condominiums, associations, campgrounds, and private parks. New Hampshire's beach program provides inspections for safety and water quality analysis for beaches in the program. Beach owners in the program only pay the cost of laboratory analysis for *Escherichia coliform* (*E. coli*) samples collected by DES staff. Last year, between mid-June and Labor Day, DES conducted about 600 inspections at 238 beaches. Eleven new beaches joined the program in 2006, leaving over 50% of New Hampshire beaches unmonitored. Ideally, beaches should be inspected and sampled at least once per month in the summer and

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more often for beaches with histories of water quality problems. New Hampshire's freshwater beach program falls short of this goal. The addition of a coordinator position would enable more inspections, as well as more education and outreach to promote greater program participation.

Freshwater beach water samples are analyzed for the presence of the indicator bacteria *E. coli* and cyanobacteria. In 2006, DES issued beach advisories for 13 cyanobacteria and 65 *E. coli* exceedances. Elevated levels of *E. coli* indicate the possible presence of waterborne pathogens which may cause a variety of illnesses ranging in severity from nausea, vomiting and diarrhea to cholera and hepatitis. High levels of cyanobacteria produce toxins that may cause acute problems, such as skin and mucous membrane irritation, and chronic effects, including kidney failure and liver tumors. Waterborne contact with cyanobacteria blooms have also caused the deaths of animals, including dogs. When bacteria levels exceed risk threshold levels, swimming advisories are issued to beach owners with recommendations that the beach be posted or closed until water quality restoration to acceptable levels has been confirmed by re-sampling and re-analysis.

Finally, DES recommends one change in HB 505-FN. In Paragraph 3, the last sentence of the proposed section RSA 485-A:26-a, I states that "beach owner participation in the program shall be voluntary." Participation in the beach program has historically been voluntary for most beaches and we expect this approach to continue. However, there may be circumstances where DES, local officials and beach owners become aware of very serious water quality problems where beaches need to be closed for the protection of public health. Under these circumstances, using other statutes, DES has authority to monitor and close beaches, as well as to direct beach owners to take action. A beach owner's satisfactory response to a health-related beach closure order is not voluntary. We recommend that the language be deleted to avoid the potential for misunderstanding by beach owners.

Thank you again for the opportunity to comment on this important legislation. If you have any questions or need additional information, please do not hesitate to contact Jody Connor at 271-3414, or me at 271-2958.

Sincerely,

A handwritten signature in black ink that reads "Thomas S. Burack". A large, diagonal red stamp with the word "COPY" is overlaid on the signature.

Thomas S. Burack
Commissioner

cc: Representative Susan Emerson
Representative Carolyn Brown
Representative James Pilliod
Representative Barbara Richardson
Representative James Parkhurst